

Attorney or Party Name, Address, Telephone and Fax Number, and CA State Bar No.		FOR COURT USE ONLY
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UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA		
In re: ROBERT WILLIAM RIOS, Debtor.		CASE NO.: 6:09-bk-25680 BB Chapter 7

NOTICE OF SALE OF ESTATE PROPERTY

Sale Date: January 20, 2010	Time: 11:00 A.M.
Location: Courtroom 303 of the United States Bankruptcy Court 3420 Twelfth Street, Riverside, California 92501	

Type of Sale: ☐ Public ☒ Private Last date to file objections: **January 6, 2010**
(14 days prior to the hearing)

Description of Property to be Sold: **The Estate's interest in real property located at 2071 North O'Malley Way, Upland, California - see the attached Notice of Hearing on Motion and Chapter 7 Trustee's Motion For Order Authorizing Sale Of Residential Real Property; Memorandum of Points and Authorities and Declarations of Robert L. Goodrich and Coy Estes in Support ("Notice")**

Terms and Conditions of Sale: **See the attached Notice**

Proposed Sale Price: **See the attached Notice**

Overbid Procedure (If Any): **See the attached Notice**

If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:

January 20, 2010 at 11:00 A.M., in Courtroom 303, 3420 Twelfth Street, Riverside, California 92501

Contact Person for Potential Bidders (include name, address, telephone, fax and/or e:mail address):

Melissa R. Davis, Esq.
Shulman Hodges & Bastian LLP
26632 Towne Centre Drive, Suite 300, Foothill Ranch, CA 92610
Telephone: (949) 340-3400; Facsimile: (949) 340-3000

Date: **December 29, 2009**

COPY

Leonard M. Shulman—Bar No. 126349
Melissa R. Davis—Bar No. 245521
SHULMAN HODGES & BASTIAN LLP
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Attorneys for Robert L. Goodrich, Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA, RIVERSIDE DIVISION

In re
ROBERT WILLIAM RIOS,
Debtors.

Case No. 6:09-bk-25680-BB

Chapter 7

NOTICE OF ERRATA REGARDING:

**NOTICE OF HEARING ON CHAPTER 7
TRUSTEE'S MOTION FOR ORDER
AUTHORIZING SALE OF RESIDENTIAL
REAL PROPERTY**

[Property Located at:
2071 North O'Malley Way, Upland, California]

Date: January 20, 2010
Time: 11:00 a.m.
Place: Courtroom 303
1420 Twelfth Street
Riverside, CA 92501

1 **NOTICE IS HEREBY GIVEN** that the original Notice of Hearing on Chapter 7
2 Trustee's Motion For Order Authorizing Sale Of Residential Real Property (Sale Motion)
3 inadvertently referenced the wrong Courtroom for the hearing and the wrong year for the hearing
4 date. **The correct information for the Sale Motion is as follows: hearing date of**
5 **January 20, 2010 at 11:00 A.M., in Courtroom 303** of the above-entitled Court located at 3420
6 Twelfth Street, Riverside, California 92501.

7
8 Dated: December 29, 2009

SHULMAN HODGES & BASTIAN LLP

/s/ Melissa R. Davis

9
10 By: _____
Leonard M. Shulman
Melissa R. Davis
11 Counsel for Robert L. Goodrich, Chapter 7 Trustee for
12 the bankruptcy estate of Robert William Rios
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Attorneys for Robert L. Goodrich, Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA, RIVERSIDE DIVISION

In re

ROBERT WILLIAM RIOS,

Debtors.

Case No. 6:09-bk-25680-BB

Chapter 7

**NOTICE OF HEARING ON MOTION AND
CHAPTER 7 TRUSTEE'S MOTION FOR
ORDER AUTHORIZING SALE OF
RESIDENTIAL REAL PROPERTY;
MEMORANDUM OF POINTS AND
AUTHORITIES AND DECLARATIONS OF
ROBERT L. GOODRICH AND COY ESTES
IN SUPPORT THEREOF**

[Property Located at:
2071 North O'Malley Way, Upland, California]

Date: January 20, 2009
Time: 11:00 a.m.
Place: Courtroom 302
1420 Twelfth Street
Riverside, CA 92501

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1 **TO THE HONORABLE SHERI BLUEBOND UNITED STATES BANKRUPTCY**
2 **JUDGE, THE OFFICE OF THE UNITED STATES TRUSTEE, AND ALL INTERESTED**
3 **PARTIES AND THEIR COUNSEL OF RECORD:**

4 **I. NOTICE**

5 **NOTICE IS HEREBY GIVEN** that on **January 20, 2010 at 11:00 A.M.**, in Courtroom
6 302 of the above-entitled Court located at 3420 Twelfth Street, Riverside, California 92501,
7 Robert L. Goodrich, Chapter 7 Trustee (“Trustee”) for the bankruptcy estate (“Estate”) of Robert
8 William Rios (“Debtor”), will bring a Motion for an Order Authorizing Sale of Residential Real
9 Property (“Sale Motion”).

10 As set forth below, the Trustee has received an offer to purchase the real property located
11 at 2071 North O’Malley Way, Upland, California, APN No. 1004-271-22-2-000 (“Property”)
12 from Coy Estes (“Buyer”), the first trust deed holder on the Property for cash in the amount of
13 \$160,000.00 (“Purchase Price”). The Trustee has accepted the Purchase Price subject to
14 Bankruptcy Court approval. The Trustee believes that the proposed sale is in the best interest of
15 the Estate. Through the sale, the Trustee is expected to generate net proceeds (after payment of
16 the second trust deed holder and all other encumbrances and other costs associated with the sale)
17 of at least **\$70,000.00**.

18 The Sale Motion is based upon this Notice of the Sale Motion, the Sale Motion and
19 Memorandum of Points and Authorities in Support thereof, the Declarations of Robert L.
20 Goodrich (“Goodrich Declaration”) and of Coy Estes (“Estes Declaration”), the pleadings and
21 files in the Debtor’s bankruptcy case, and upon such further oral and documentary evidence as
22 may be presented to the Court in support of the Sale Motion.

23 ////

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1 **NOTICE IS HEREBY FURTHER GIVEN** that that any opposition or other responsive
2 paper to the Sale Motion must be filed with the Clerk of the above-entitled Court and a copy
3 served on Shulman Hodges & Bastian LLP to the attention of Leonard M. Shulman at the
4 address indicated above and the Office of the United States Trustee, 3685 Main Street, Suite 300,
5 Riverside, California 92501 at least fourteen days prior to the hearing in the form required by
6 Local Bankruptcy Rule 9013-1(f).

7 **NOTICE IS HEREBY FURTHER GIVE** that failure to file a timely response may be
8 deemed as consent to the relief requested in the Motion. **SEE, LOCAL BANKRUPTCY**
9 **RULE 9013-1(h).**

10
11 Dated: December 29, 2009

SHULMAN HODGES & BASTIAN LLP

/s/ Melissa R. Davis

By: _____

Leonard M. Shulman

Melissa R. Davis

Counsel for Robert L. Goodrich, Chapter 7 Trustee for
the bankruptcy estate of Robert William Rios

In support of the Sale Motion, the Trustee respectfully represents as follows:

II. BACKGROUND INFORMATION

A. Case Commencement

On July 13, 2009, the Debtor filed a voluntary bankruptcy petition under Chapter 7 of the Bankruptcy Code.

Robert L. Goodrich is the duly qualified, acting and appointed Chapter 7 trustee of the Debtor's bankruptcy estate.

On his bankruptcy schedules, Schedule A, the Debtor lists an interest in the Upland Property as community property and lists it as having a value of \$400,000.00. Schedule D shows that the Upland Property has secured liens against it in the amount of \$218,882.94. The first trust deed holder is the Buyer who claims he is owed approximately \$193,000.00. The second trust deed holder is PFF Bank & Trust which is listed in Schedule D as being owed \$37,606.00.

The Debtor's original Schedule C listed a homestead exemption against the Property in the amount of \$75,000; however, the Debtor filed an Amended Schedule C on December 11, 2009 to reduce the homestead exemption to the amount of \$50,000.00. The Debtor's bankruptcy petition and schedules, including Amended Schedule C, are attached to the Goodrich Declaration as **Exhibit "1."**

On November 13, 2009, the Trustee filed an objection to the Debtor's claimed homestead exemption. The continued hearing on that matter is set for January 20, 2010. In the event the Debtor is entitled to claim the exemption in the amount of \$50,000.00, the Trustee submits the Debtor is entitled to one-half of that amount and his wife is entitled to the other one-half. Although the wife is not the buyer of the Property, her father is the Buyer and the wife will remain living in the Property for an indefinite period of time after the sale of the Property to her father. In this situation, the Trustee believes Mrs. Rios should not be entitled to a distribution of \$25,000.00 from the homestead exemption because of the similarity of this transaction to an equity buyback. Thus, the Trustee requests the Court direct that Mrs. Rios' \$25,000.00 be included in the proceeds of the sale to be used to pay the claims of creditors.

1 **B. The Buyer**

2 The Buyer, Coy Estes, is the Debtor's father-in-law. The Buyer's daughter, the Debtor's
3 wife, currently resides in the Property. The Trustee is informed that the Debtor and his wife are
4 separated and are in the process of completing a divorce. The Trustee is further advised that the
5 Debtor does not reside in the Property and has not since March 2009.

6 **C. Terms of Sale**

7 The Trustee has received an offer from Coy Estes to purchase the Property for
8 \$160,000.00, to be paid in cash. The Buyer's first trust deed will remain attached to the Property
9 but the Buyer agrees that he will not receive any distribution from the Estate on the basis of his
10 secured claim against the Property, regardless of whether or not he files a proof of claim for
11 sums secured by the Property.

12 The terms of the agreement are as follows:

13 a. Purchase Price. The purchase price for the Property shall be \$160,000.00
14 ("Purchase Price"). The Buyer's first trust deed will remain attached to the Property but the
15 Buyer agrees that he will not receive any distribution from the Estate on the basis of his secured
16 claim against the Property, regardless of whether or not he files a proof of claim for sums
17 secured by the Property.

18 b. Liens. From the proceeds of the Purchase Price, the Trustee agrees to pay the
19 second trust deed holder the total sum owed to the second trust deed holder as of the date of the
20 entry of an Order approving this Sale Motion.

21 c. Closing. Within ten (10) days of the entry of an order approving this Motion, the
22 Buyer will present the Trustee good funds in the amount of the Purchase Price. Once the Trustee
23 has deposited the funds and the funds clear, the Trustee will present the Buyer a quitclaim deed
24 to the Property. The Parties agree this Motion and the Order on this Motion constitute the
25 Parties' agreement.

26 d. Title Insurance. The Trustee agrees to provide the Buyer a preliminary title report
27 and title insurance for the Property, the cost of which shall be paid by the Estate.

28 e. Bankruptcy Court Approval. The sale is expressly conditioned on approval of the

United States Bankruptcy Court for the Central District of California, Riverside Division and entry of final order approving this Motion.

f. No Representations. The sale is “as is – where is.” Thus, the Trustee is not making any representations or warranties, either express or implied, as to the Property’s condition, uses (prior, present and future), or otherwise. Moreover, the Trustee shall not warrant or represent the Property’s compliance with any applicable federal, state or local environmental laws, zoning laws or applicable regulation. The Buyer shall agree that the Buyer is acquiring the Property “as is,” with all faults and conditions then existing on the Property including any hazardous substances or hazardous waste that may be located on, under or around the Property, whether known or unknown, and the Buyer shall assume all responsibilities for all such faults and conditions, whether disclosed or not. Moreover, the Buyer shall be expressly aware and fully informed that the Trustee is selling the Property in his capacity as the Chapter 7 Trustee of the Debtor’s Estate.

g. Acknowledgement of the Trustee’s Capacity. Since the Trustee is selling the Property in his capacity as the Chapter 7 Trustee for the Debtor’s Estate and further, since the Property is an asset of the Debtor’s Estate, the resolution of any and all disputes between the parties herein concerning the sale transaction shall be resolved by the United States Bankruptcy Court for the Central District of California, Riverside Division. Further, the Trustee has agreed that if a dispute arises, such dispute may initially be resolved through the Mediation Program pending in the United States Bankruptcy Court for the Central District of California.

h. Good Faith Finding. The proposed sale has been brought in good faith and has been negotiated on an “arms length” basis. The negotiations with the Buyer have resulted in an offer to sell the Property that will have substantial benefit. Accordingly, the sale is in good faith and should be approved. The Trustee shall request such a finding pursuant to Bankruptcy Code Section 363(m) at the hearing on this Motion.

D. Estimated Proceeds from the Sale

The Trustee anticipates that the sale will generate net funds for the Estate as follows:

Purchase Price	\$	160,000.00
Lien #1-PFF Bank	\$	(40,000.00) ¹
Exemption ²	\$	(50,000.00)
Net Equity to the Estate	\$	70,000.00

III. MEMORANDUM OF POINTS AND AUTHORITIES

A. Court May Authorize The Sale Of The Property When There Is A Good Faith

Purchaser

The Trustee, after notice and hearing, may sell property of the Estate. 11 U.S.C. §363(b). The proponent of the sale must establish that there is a sound business purpose for the sale, that the sale is in the best interests of the Estate, i.e., the sale is for a fair and reasonable price, that there is accurate and reasonable notice to creditors and that the sale is made in good faith. *In re Wilde Horse Enterprises, Inc.*, 136 B.R. 830, 841 (Bankr. C.D. Cal. 1991); *In re Lionel Corp.*, 722 F.2d 1063, 1069 (2d Cir. 1983). Business justification would include the need to close a sale to one of very few serious bidders where an asset has been extensively shopped and a delay could jeopardize the transaction. *See, e.g., In re Crowthers McCall Pattner, Inc.*, 114 B.R. 877, 885 (Bankr. S.D.N.Y. 1990) (extreme difficulty finding a buyer justified merger when buyer found). The Trustee's proposed sale of Property meets the foregoing criteria.

1. Sound Business Purpose

The Ninth Circuit in *In re Walter*, 83 B.R. 14 (Bankr. 9th Cir. 1988) has adopted a flexible, case by case test to determine whether the business purpose for a proposed sale justifies disposition of property of the estate under Section 363(b). In *Walter*, the Ninth Circuit, adopting the reasoning of the Fifth Circuit in *In re Continental Air Lines, Inc.*, 780 F.2d 1223 (5th Cir.

¹ The Trustee does not know the exact amount owed to PFF Bank. The amount listed on the Debtor's bankruptcy schedules is \$37,606 and thus, the Trustee has estimated the payoff at \$40,000.

² It is unknown at this time what the amount of the allowed exemption will be, if anything as is discussed in the Sale Motion. The exemption could be \$0, \$25,000.00, or \$50,000.00. The amount of equity to the Estate could be higher based on the amount of the allowed exemption.

1 1986), and the Second Circuit in *In re Lionel Corp.*, 722 F.2d 1063 (2d Cir. 1983), set forth the
2 following standard to be applied under Bankruptcy Code Section 363 (b).

3 Whether the proffered business justification is sufficient depends on the case. As
4 the Second Circuit held in *Lionel*, the bankruptcy judge should consider all salient
5 factors pertaining to the proceeding and, accordingly, act to further the diverse
6 interests of the debtor, creditors and equity holders, alike. He might, for example,
7 look to such relevant factors as the proportionate value of the assets to the estate
8 as a whole, the amount of lapsed time since the filing, the likelihood that a plan of
9 reorganization will be proposed and confirmed in the near future, the effect of the
10 proposed disposition on future plans of reorganization, the proceeds to be
11 obtained from the disposition vis-a-vis any appraisals of the property, which of
12 the alternatives of use, sale or lease the proposal envisions and, most importantly
13 perhaps, whether the asset is increasingly or decreasing in value. This list is not
14 intended to be exclusive, but merely to provide guidance to the bankruptcy judge.

15 *Walter, supra*, at 19-20 [quoting *In re Continental Air Lines, Inc.*, 780 F.2d 1223, 1226 (5th Cir.
16 1986)].

17 In the present case, there is a sound business purpose for the sale. The sale as proposed
18 will provide net for the Estate of at least \$70,000.00. The Trustee believes that the sale pursuant
19 to this Sale Motion will be at fair market value because it is the highest offer that the Estate has
20 received thus far and it will yield significant equity for the Estate to make the sale. If the sale is
21 not approved, the Estate will not realize any funds and thus there will be no funds to distribute to
22 the Estate's creditors until another buyer can be found. With the current state of the economy, it
23 is very uncertain how long it will take to find another buyer and at what price for the Property.
24 The proposed sale gives certainty and allows the Trustee to close the transaction quickly.

25 Therefore, the Trustee respectfully submits that, if this Court applies the good business
26 reason standard suggested by the Second Circuit in *Lionel*, the Sale Motion should be approved.

27 2. The Sale Serves the Best Interests of the Estate and Creditors

28 The benefits to the Estate will be substantial. The Trustee has made a business decision
that it is in the best interest of the creditors of this Estate that this Sale Motion be approved. If
the sale is approved, there will be a net equity of approximately \$120,000.00 in cash, which is
much more than the Estate would have if the sale is not approved. Accordingly, it would be in
the best interest of the Estate if the sale is approved.

Should the sale not be approved, the Property would have to be marketed. Assuming the
Property sold for the value listed in the Debtor's schedules of \$400,000, after payment of all

secured creditors, costs of sale, and the exemption, the Estate would net approximately only \$15,000 to \$20,000 more than it will receive through the proposed sale.

The currently proposed sale provides certainty and an all-cash payment, not to mention saving the Estate the costs and time which would be necessary if the Trustee were required to employ a broker to market and sell the Property.

3. Accurate and Reasonable Notice

It is expected that notice of this Sale Motion will satisfy the requirements for accurate and reasonable notice and will be appropriate under the circumstances. The Trustee shall provide notice of the proposed sale of the Property to the parties. The Notice of this Sale Motion will include a summary of the terms and conditions of the proposed sale, how to file an objection, and a general description of the Property. The Trustee submits that the notice requirements will have been satisfied, thereby allowing creditors and parties in interest an opportunity to object to the sale. Hence, no further notice should be necessary.

4. The Sale is Made in Good Faith

The proposed sale has been brought in good faith and has been negotiated on an “arms length” basis. The court in *Wilde Horse Enterprises*, set forth the factors in considering whether a transaction is in good faith. The court stated:

“Good faith” encompasses fair value, and further speaks to the integrity of the transaction. Typical 'bad faith' or misconduct, would include collusion between the seller and buyer, or any attempt to take unfair advantage of other potential purchasers. . . . And, with respect to making such determinations, the court and creditors must be provided with sufficient information to allow them to take a position on the proposed sale. (citations omitted)

Id. at 842.

In the present case, the negotiation of the proposed sale was an arms-length transaction. The Trustee and the Buyer are both represented by counsel and the agreement was reached over a series of negotiations. The negotiations with the Buyer have resulted in an offer to sell the Property that will have substantial benefit to the Estate. As set forth in the Notice of the Sale Motion, the creditors will have been provided with sufficient notice of the sale. Accordingly, the sale is in good faith and should be approved. The Trustee shall request such a finding pursuant to Bankruptcy Code Section 363(m) at the hearing on this Sale Motion.

B. The Court Has Authority To Waive The Ten-Day Stay Of Sale

Federal Rule of Bankruptcy Procedure 6004(h) provides that “[a]n order authorizing the use, sale or lease of property other than cash collateral is stayed until the expiration of ten (10) days after entry of the order, unless the Court orders otherwise.” Fed. Rule Bankr. Proc. 6004(h). Currently, escrow is scheduled to close ten (10) days after the hearing on the Sale Motion. The Trustee desires to close the sale of the Property as soon as practicable after entry of an order approving the sale. Accordingly, the Trustee requests that the Court, in the discretion provided it under Federal Rule of Bankruptcy Procedure 6004(h), waive the ten-day stay requirement.

C. The Homestead Exemption

In the case of an equity buyback of a debtor’s personal residence, Courts have reasoned that since the debtor retains ownership of the residence, the debtor is not entitled to claim a homestead exemption against the property.

Here, the Debtor is not purchasing the Estate’s equity in the Property; however, the Debtor’s father-in-law is doing so. The Debtor and his wife are in the midst of a divorce and Mrs. Rios (and not the Debtor) has been living in the Property since March. Mrs. Rios will remain living in the Property for an indefinite period of time after the sale. This situation mirrors an equity buyback and thus, the Trustee requests that in the event the Debtor’s claimed \$50,000.00 homestead exemption is allowed, Mrs. Rios’ claim to \$25,000.00 of that be deemed waived and instead, included in the proceeds of the sale to be distributed to creditors.

IV. CONCLUSION

For the foregoing reasons, the Trustee respectfully requests that the Court enters an Order as follows:

1. Approving the Sale Motion;
2. Determining that there is a sound business reason for the sale;
3. Determining that the sale is in the best interest of the Estate;
4. Determining that accurate and reasonable notice has been given;
5. Determining that the Buyer is in good faith entitled to protection under Bankruptcy Code Section 363(m);

- 1 6. Approving the sale to Coy Estes;
- 2 7. Determining that Mrs. Rios' \$25,000.00 interest in the homestead exemption, if
- 3 allowed, shall be deemed waived and shall be included in the proceeds of the sale to pay claims
- 4 of creditors;
- 5 8. Waiving the ten-day stay of the order approving the sale of the Property under
- 6 Federal Rules of Bankruptcy Procedure 6004(h); and
- 7 9. For such other and further relief as the Courts deems just and proper.

Respectfully submitted,

Dated: December 29, 2009

SHULMAN HODGES & BASTIAN LLP

/s/ Melissa R. Davis

By: _____
Leonard M. Shulman
Melissa R. Davis
Counsel for Robert L. Goodrich, Chapter 7 Trustee for
the bankruptcy estate of Robert William Rios

DECLARATION

DECLARATION OF ROBERT L. GOODRICH

I, Robert L. Goodrich, declare as follows:

1. I am the Chapter 7 Trustee of the bankruptcy estate of Robert William Rios.

2. I make this declaration in support of my Motion For Order Authorizing Sale Of Residential Real Property ("Motion"). If compelled to so, I would be able to competently testify to the following factual assertions to the best of my belief, knowledge and information. Any capitalized terms not otherwise defined herein shall have the meaning set forth in the Motion.

3. The Bankruptcy Court's docket indicates that on July 13, 2009, the Debtor filed a voluntary bankruptcy petition under Chapter 7 of the Bankruptcy Code.

4. I am the duly qualified, acting and appointed Chapter 7 trustee of the Debtor's bankruptcy estate.

5. On his bankruptcy schedules, Schedule A, the Debtor lists an interest in the Upland Property as community property and lists it as having a value of \$400,000.00. Schedule A shows that the Upland Property has secured liens against it in the amount of \$218,882.94. On his original Schedule C, the Debtor claims a homestead exemption of \$75,000.00 in the Upland Property; however, the Debtor recently filed an Amended Schedule C to reduce the claimed homestead exemption to \$50,000.00. The Debtor's bankruptcy petition and schedules, including Amended Schedule C are attached hereto as Exhibit "1."

6. I propose to sell the Property on an "as is – where as" basis with all faults and conditions then existing at property, and the Buyer shall agree: (1) that I am not making any representations, warranties, either express or implied, as to the condition, use (prior, present and future), or otherwise of the Property; and (2) I shall not provide the Buyer with any reports as to the conditions or uses for the Property.

7. The Buyer, Coy Estes, is the Debtor's father in law. The Buyer's daughter, the Debtor's wife, currently resides in the Property. I am informed that the Debtor and his wife are separated and are in the process of completing a divorce. I am further advised that the Debtor does not reside in the Property and has not since March 2009.

///

8. The Property will be sold for \$160,000.00 to be paid in cash for the Estate's interest in the Property. From the proceeds of the Purchase Price, I will pay the second trust deed holder in the amount of approximately \$40,000.00.

9. The sale will result in at least \$70,000 of equity for the creditors, but could be \$120,000 depending on the outcome of my objection to the Debtor's claimed homestead exemption, eliminates the need for me to engage a broker to market the Property, and provides certainty as to payment to creditors early on in this case.

10. I believe that the proposed sale is the best available alternative for maximizing the value of the Property for the Estate and creditors. Thus, good causes exists to grant the Sale Motion so that the I do not lose the favorable business opportunity.

11. I have not been contacted by any potential overbidders for the purchase of the Property and in my business judgment, there are no viable alternative purchasers.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on December 22, 2009 at Grand Terrace, California.

Robert L. Goodrich

DECLARATION

DECLARATION OF COY D. ESTES

I, Coy D. Estes, declare as follows:

1. I am the Debtor's father-in-law. I make this declaration in support of the Trustee's Motion for Approval of Sale of Residential Real Property ("Motion"). If compelled to so, I would be able to competently testify to the following factual assertions to the best of my belief, knowledge and information.

2. The Debtor and my daughter are currently separated and their divorce proceedings are pending.

3. The Debtor and my daughter separated on or about March 14, 2009. At that time, the Debtor vacated the Property and my daughter continues to live there.

4. I am the first trust deed holder on the Property. The current value of my lien is approximately \$193,000.00. I have agreed with the Trustee to pay to him a cash payment of \$160,000.00 in exchange for acquiring the Estate's rights to the Property.

5. I understand and agree that: (1) the Trustee is not making any representations, warranties, either express or implied, as to the condition, use (prior, present and future), or otherwise of the Property; and (2) the Trustee shall not provide me with any reports as to the conditions or uses for the Property.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge, information and belief.

This declaration was executed on the 28TH day of December, 2009, in UPLAND, California.


Coy Estes

EXHIBIT “1”

United States Bankruptcy Court Central District of California		Voluntary Petition
Name of Debtor (if individual, enter Last, First, Middle): Rios, Robert William		Name of Joint Debtor (Spouse) (Last, First, Middle):
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):		All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all) xxx-xx-5028		Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all)
Street Address of Debtor (No. and Street, City, and State): 1748 Coolcrest Ave. Upland, CA		Street Address of Joint Debtor (No. and Street, City, and State):
ZIP Code 91784		ZIP Code
County of Residence or of the Principal Place of Business: San Bernardino		County of Residence or of the Principal Place of Business:
Mailing Address of Debtor (if different from street address):		Mailing Address of Joint Debtor (if different from street address):
ZIP Code		ZIP Code
Location of Principal Assets of Business Debtor (if different from street address above):		
Type of Debtor (Form of Organization) (Check one box) <input checked="" type="checkbox"/> Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form.</i> <input type="checkbox"/> Corporation (includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below.)	Nature of Business (Check one box) <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101 (51B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input type="checkbox"/> Other Tax-Exempt Entity (Check box, if applicable) <input type="checkbox"/> Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code).	Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box) <input checked="" type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 9 <input type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding Nature of Debts (Check one box) <input checked="" type="checkbox"/> Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose." <input type="checkbox"/> Debts are primarily business debts.
Filing Fee (Check one box) <input checked="" type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A. <input type="checkbox"/> Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.		Chapter 11 Debtors Check one box: <input type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). <input type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). Check if: <input type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,190,000. Check all applicable boxes: <input type="checkbox"/> A plan is being filed with this petition. <input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
Statistical/Administrative Information <input type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input checked="" type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.		THIS SPACE IS FOR COURT USE ONLY
Estimated Number of Creditors <input checked="" type="checkbox"/> 1-49 <input type="checkbox"/> 50-99 <input type="checkbox"/> 100-199 <input type="checkbox"/> 200-999 <input type="checkbox"/> 1,000-5,000 <input type="checkbox"/> 5,001-10,000 <input type="checkbox"/> 10,001-25,000 <input type="checkbox"/> 25,001-50,000 <input type="checkbox"/> 50,001-100,000 <input type="checkbox"/> OVER 100,000		
Estimated Assets <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input checked="" type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion		
Estimated Liabilities <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input checked="" type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion		

Voluntary Petition

(This page must be completed and filed in every case)

Main Document Page 23 of 47

Name of Debtor(s):
Rios, Robert William

All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet)

Location Where Filed: - None -	Case Number:	Date Filed:
Location Where Filed:	Case Number:	Date Filed:

Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet)

Name of Debtor: - None -	Case Number:	Date Filed:
District:	Relationship:	Judge:

Exhibit A

(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.)

☐ Exhibit A is attached and made a part of this petition.

Exhibit B

(To be completed if debtor is an individual whose debts are primarily consumer debts.)

I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I delivered to the debtor the notice required by 11 U.S.C. §342(b).

X _____
Signature of Attorney for Debtor(s)
STEPHEN R. WADE 79219

7-8-09
(Date)

Exhibit C

Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety?

☐ Yes, and Exhibit C is attached and made a part of this petition.

☒ No.

Exhibit D

(To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.)

☒ Exhibit D completed and signed by the debtor is attached and made a part of this petition.

If this is a joint petition:

☐ Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.

Information Regarding the Debtor - Venue

(Check any applicable box)

- ☒ Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.
- ☐ There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.
- ☐ Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.

Certification by a Debtor Who Resides as a Tenant of Residential Property

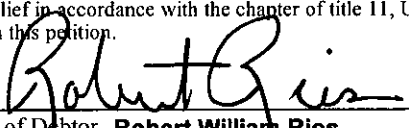
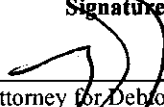
(Check all applicable boxes)

☐ Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.)

(Name of landlord that obtained judgment)

(Address of landlord)

- ☐ Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and
- ☐ Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition.
- ☐ Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).

<p>Voluntary Petition</p> <p><i>(This page must be completed and filed in every case)</i></p>		<p>Main Document</p> <p>Page 24 of 47</p>	<p>Name of Debtor(s)</p> <p>Rios, Robert William</p>
<p style="text-align: center;">Signature(s) of Debtor(s) (Individual/Joint)</p> <p>I declare under penalty of perjury that the information provided in this petition is true and correct. [If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. [If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. §342(b).</p> <p>I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.</p> <p>X <u></u> Signature of Debtor Robert William Rios</p> <p>X _____ Signature of Joint Debtor</p> <p>_____ Telephone Number (If not represented by attorney)</p> <p><u>7-8-09</u> Date</p>		<p style="text-align: center;">Signatures</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <p style="text-align: center;">Signature of a Foreign Representative</p> <p>I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.</p> <p>(Check only one box.)</p> <p><input type="checkbox"/> I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. §1515 are attached.</p> <p><input type="checkbox"/> Pursuant to 11 U.S.C. §1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.</p> <p>X _____ Signature of Foreign Representative</p> <p>_____ Printed Name of Foreign Representative</p> <p>_____ Date</p> </div> <div style="width: 48%;"> <p style="text-align: center;">Signature of Non-Attorney Bankruptcy Petition Preparer</p> <p>I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.</p> <p>_____ Printed Name and title, if any, of Bankruptcy Petition Preparer</p> <p>_____ Social-Security number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)</p> <p>_____ Address</p> <p>X _____ Date</p> <p>Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.</p> <p>Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:</p> <p>_____ If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.</p> <p><i>A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. §110; 18 U.S.C. §156.</i></p> </div> </div>	
<p style="text-align: center;">Signature of Attorney*</p> <p>X <u></u> Signature of Attorney for Debtor(s)</p> <p><u>STEPHEN R. WADE 79219</u> Printed Name of Attorney for Debtor(s)</p> <p><u>THE LAW OFFICES OF STEPHEN R. WADE</u> Firm Name</p> <p><u>400 North Mountain Ave., #214B</u> <u>Upland, CA 91786</u> Address</p> <p><u>909-985-6500 Fax: 909-985-2865</u> Telephone Number</p> <p><u>7-8-09</u> <u>79219</u> Date</p> <p><small>*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.</small></p>		<p style="text-align: center;">Signature of Debtor (Corporation/Partnership)</p> <p>I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.</p> <p>The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.</p> <p>X _____ Signature of Authorized Individual</p> <p>_____ Printed Name of Authorized Individual</p> <p>_____ Title of Authorized Individual</p> <p>_____ Date</p>	

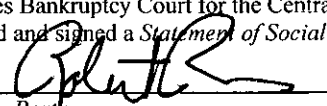
Attorney or Party Name, Address, Telephone & FAX Numbers, and California State Bar Number STEPHEN R. WADE THE LAW OFFICES OF STEPHEN R. WADE 400 North Mountain Ave., #214B Upland, CA 91786 909-985-6500 Fax: 909-985-2865 79219 <input type="checkbox"/> Attorney for:	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA	
In re: Robert William Rios Debtor(s).	CASE NO.: CHAPTER: 7 ADV. NO.:

ELECTRONIC FILING DECLARATION
(INDIVIDUAL)

PART I - DECLARATION OF DEBTOR(S) OR OTHER PARTY

<input checked="" type="checkbox"/> Petition, statement of affairs, schedules or lists	Date Filed: <u>7-13-09</u>
<input type="checkbox"/> Amendments to the petition, statement of affairs, schedules or lists	Date Filed: _____
<input type="checkbox"/> Other: _____	Date Filed: _____

I (We), the undersigned Debtor(s) or other party on whose behalf the above-referenced document is being filed (Signing Party), hereby declare under penalty of perjury that: (1) I have read and understand the above-referenced document being filed electronically (Filed Document); (2) the information provided in the Filed Document is true, correct and complete; (3) the "/s/," followed by my name, on the signature line(s) for the Signing Party in the Filed Document serves as my signature and denotes the making of such declarations, requests, statements, verifications and certifications to the same extent and effect as my actual signature on such signature line(s); (4) I have actually signed a true and correct hard copy of the Filed Document in such places and provided the executed hard copy of the Filed Document to my attorney; and (5) I have authorized my attorney to file the electronic version of the Filed Document and this Declaration with the United States Bankruptcy Court for the Central District of California. If the Filed Document is a petition, I further declare under penalty of perjury that I have completed and signed a *Statement of Social Security Number(s)* (Form B21) and provided the executed original to my attorney.



Signature of Signing Party

7-8-09

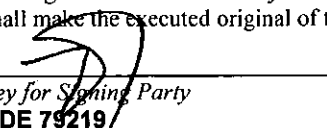
Date

Robert William Rios

Printed Name of Signing Party

PART II - DECLARATION OF ATTORNEY FOR SIGNING PARTY

I, the undersigned Attorney for the Signing Party, hereby declare under penalty of perjury that: (1) the "/s/," followed by my name, on the signature lines for the Attorney for the Signing Party in the Filed Document serves as my signature and denotes the making of such declarations, requests, statements, verifications and certifications to the same extent and effect as my actual signature on such signature lines; (2) the Signing Party signed the *Declaration of Debtor(s) or Other Party* before I electronically submitted the Filed Document for filing with the United States Bankruptcy Court for the Central District of California; (3) I have actually signed a true and correct hard copy of the Filed Document in the locations that are indicated by "/s/," followed by my name, and have obtained the signature(s) of the Signing Party in the locations that are indicated by "/s/," followed by the Signing Party's name, on the true and correct hard copy of the Filed Document; (4) I shall maintain the executed originals of this Declaration, the *Declaration of Debtor(s) or Other Party*, and the Filed Document for a period of five years after the closing of the case in which they are filed; and (5) I shall make the executed originals of this Declaration, the *Declaration of Debtor(s) or Other Party*, and the Filed Document available for review upon request of the Court or other parties. If the Filed Document is a petition, I further declare under penalty of perjury that: (1) the Signing Party completed and signed the *Statement of Social Security Number(s)* (Form B21) before I electronically submitted the Filed Document for filing with the United States Bankruptcy Court for the Central District of California; (2) I shall maintain the executed original of the *Statement of Social Security Number(s)* (Form B21) for a period of five years after the closing of the case in which they are filed; and (3) I shall make the executed original of the *Statement of Social Security Number(s)* (Form B21) available for review upon request of the Court.



Signature of Attorney for Signing Party

7-8-09

Date

STEPHEN R. WADE 79219

Printed Name of Attorney for Signing Party

STATEMENT OF RELATED CASES
INFORMATION REQUIRED BY LOCAL BANKRUPTCY RULE 1015-2
UNITED STATES BANKRUPTCY COURT, CENTRAL DISTRICT OF CALIFORNIA

1. A petition under the Bankruptcy Act of 1898 or the Bankruptcy Reform Act of 1978 has previously been filed by or against the debtor, his/her spouse, an affiliate of the debtor, any copartnership or joint venture of which debtor is or formerly was a general or limited partner, or member, or any corporation of which the debtor is a director, officer, or person in control, as follows: (Set forth the complete number and title of each such of prior proceeding, date filed, nature thereof, the Bankruptcy Judge and court to whom assigned, whether still pending and, if not, the disposition thereof. If none, so indicate. Also, list any real property included in Schedule A that was filed with any such prior proceeding(s).)

None.

2. (If petitioner is a partnership or joint venture) A petition under the Bankruptcy Act of 1898 or the Bankruptcy Reform Act of 1978 has previously been filed by or against the debtor or an affiliate of the debtor, or a general partner in the debtor, a relative of the general partner, general partner of, or person in control of the debtor, partnership in which the debtor is a general partner, general partner of the debtor, or person in control of the debtor as follows: (Set forth the complete number and title of each such prior proceeding, date filed, nature of the proceeding, the Bankruptcy Judge and court to whom assigned, whether still pending and, if not, the disposition thereof. If none, so indicate. Also, list any real property included in Schedule A that was filed with any such prior proceeding(s).)

None.

3. (If petitioner is a corporation) A petition under the Bankruptcy Act of 1898 or the Bankruptcy Reform Act of 1978 has previously been filed by or against the debtor, or any of its affiliates or subsidiaries, a director of the debtor, an officer of the debtor, a person in control of the debtor, a partnership in which the debtor is general partner, a general partner of the debtor, a relative of the general partner, director, officer, or person in control of the debtor, or any persons, firms or corporations owning 20% or more of its voting stock as follows: (Set forth the complete number and title of each such prior proceeding, date filed, nature of proceeding, the Bankruptcy Judge and court to whom assigned, whether still pending, and if not, the disposition thereof. If none, so indicate. Also, list any real property included in Schedule A that was filed with any such prior proceeding(s).)

None.


4. (If petitioner is an individual) A petition under the Bankruptcy Reform Act of 1978, including amendments thereof, has been filed by or against the debtor within the last 180 days: (Set forth the complete number and title of each such prior proceeding, date filed, nature of proceeding, the Bankruptcy Judge and court to whom assigned, whether still pending, and if not, the disposition thereof. If none, so indicate. Also, list any real property included in Schedule A that was filed with any such prior proceeding(s).)

None.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed at Upland, California.

Dated 7-8-09


Robert William Rios
Debtor

Joint Debtor

This form is mandatory by Order of the United States Bankruptcy Court for the Central District of California.

Revised May 2004

F 1015-2.1

Name: **STEPHEN R. WADE 79219**
Address: **400 North Mountain Ave., #214B**
Upland, CA 91786
Telephone: **909-985-6500** Fax: **909-985-2865**

- ☒ Attorney for Debtor
☐ Debtor in Pro Per

UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA	
List all names including trade names, used by Debtor(s) within last 8 years: Robert William Rios	Case No.:
	NOTICE OF AVAILABLE CHAPTERS (Notice to Individual Consumer Debtor Under § 342(b) of the Bankruptcy Code)

In accordance with § 342(b) of the Bankruptcy Code, this notice to individuals with primarily consumer debts: (1) Describes briefly the services available from credit counseling services; (2) Describes briefly the purposes, benefits and costs of the four types of bankruptcy proceedings you may commence; and (3) Informs you about bankruptcy crimes and notifies you that the Attorney General may examine all information you supply in connection with a bankruptcy case.

You are cautioned that bankruptcy law is complicated and not easily described. Thus, you may wish to seek the advice of an attorney to learn of your rights and responsibilities should you decide to file a petition. Court employees cannot give you legal advice.

Notices from the bankruptcy court are sent to the mailing address you list on your bankruptcy petition. In order to ensure that you receive information about events concerning your case, Bankruptcy Rule 4002 requires that you notify the court of any changes in your address. If you are filing a **joint case** (a single bankruptcy case for two individuals married to each other), and each spouse lists the same mailing address on the bankruptcy petition, you and your spouse will generally receive a single copy of each notice mailed from the bankruptcy court in a jointly-addressed envelope, unless you file a statement with the court requesting that each spouse receive a separate copy of all notices.

1. Services Available from Credit Counseling Agencies

With limited exceptions, § 109(h) of the Bankruptcy Code requires that all individual debtors who file for bankruptcy relief on or after October 17, 2005, receive a briefing that outlines the available opportunities for credit counseling and provides assistance in performing a budget analysis. The briefing must be given within 180 days **before** the bankruptcy filing. The briefing may be provided individually or in a group (including briefings conducted by telephone or on the Internet) and must be provided by a nonprofit budget and credit counseling agency approved by the United States trustee or bankruptcy administrator. The clerk of the bankruptcy court has a list that you may consult of the approved budget and credit counseling agencies. Each debtor in a joint case must complete the briefing.

In addition, after filing a bankruptcy case, an individual debtor generally must complete a financial management instructional course before he or she can receive a discharge. The clerk also has a list of approved financial management instructional courses. Each debtor in a joint case must complete the course.

2. The Four Chapters of the Bankruptcy Code Available to Individual Consumer Debtors

Chapter 7: Liquidation (\$245 filing fee, \$39 administrative fee, \$15 trustee surcharge: Total Fee \$299)

- Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts. Debtors whose debts are primarily consumer debts are subject to a "means test" designed to determine whether the case should be permitted to proceed under chapter 7. If your income is greater than the median income for your state of residence and family size, in some cases, creditors have the right to file a motion requesting that the court dismiss your case under § 707(b) of the Code. It is up to the court to decide whether the case should be dismissed.
- Under chapter 7, you may claim certain of your property as exempt under governing law. A trustee may have the right to take possession of and sell the remaining property that is not exempt and use the sale proceeds to pay your creditors.
- The purpose of filing a chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your discharge and, if it does, the purpose for which you filed the bankruptcy petition will be defeated.

4. Even if you receive a general discharge, some particular debts are not discharged under the law. Therefore, you may still be responsible for most taxes and student loans; debts incurred to pay nondischargeable taxes; domestic support and property settlement obligations; most fines, penalties, forfeitures, and criminal restitution obligations; certain debts which are not properly listed in your bankruptcy papers; and debts for death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs. Also, if a creditor can prove that a debt arose from fraud, breach of fiduciary duty, or theft, or from a willful and malicious injury, the bankruptcy court may determine that the debt is not discharged.

Chapter 13: Repayment of All or Part of the Debts of an Individual with Regular Income (\$235 filing fee, \$39 administrative fee: Total fee \$274)

1. Chapter 13 is designed for individuals with regular income who would like to pay all or part of their debts in installments over a period of time. You are only eligible for chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.
2. Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, using your future earnings. The period allowed by the court to repay your debts may be three years or five years, depending upon your income and other factors. The court must approve your plan before it can take effect.
3. After completing the payments under your plan, your debts are generally discharged except for domestic support obligations; most student loans; certain taxes; most criminal fines and restitution obligations; certain debts which are not properly listed in your bankruptcy papers; certain debts for acts that caused death or personal injury; and certain long term secured obligations.

Chapter 11: Reorganization (\$1000 filing fee, \$39 administrative fee: Total fee \$1039)

Chapter 11 is designed for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision by an individual to file a chapter 11 petition should be reviewed with an attorney.

Chapter 12: Family Farmer or Fisherman (\$200 filing fee, \$39 administrative fee: Total fee \$239)

Chapter 12 is designed to permit family farmers and fishermen to repay their debts over a period of time from future earnings and is similar to chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family-owned farm or commercial fishing operation.

3. Bankruptcy Crimes and Availability of Bankruptcy Papers to Law Enforcement Officials

A person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury, either orally or in writing, in connection with a bankruptcy case is subject to a fine, imprisonment, or both. All information supplied by a debtor in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the United States Trustee, the Office of the United States Attorney, and other components and employees of the Department of Justice.

WARNING: Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information regarding your creditors, assets, liabilities, income, expenses and general financial condition. Your bankruptcy case may be dismissed if this information is not filed with the court within the time deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court.

Certificate of the Debtor

I (We), the debtor(s), affirm that I (we) have received and read this notice

Robert William Rios

Printed Name(s) of Debtor(s)

Case No. (if known)

X

Signature of Debtor

7-8-08

Date

X

Signature of Joint Debtor (if any)

7-8-08

Date

B6 Summary (Official Form 6 - Summary) (12/07)

**United States Bankruptcy Court
Central District of California**

In re Robert William Rios
Debtor

Case No. _____

Chapter 7

SUMMARY OF SCHEDULES

Indicate as to each schedule whether that schedule is attached and state the number of pages in each. Report the totals from Schedules A, B, D, E, F, I, and J in the boxes provided. Add the amounts from Schedules A and B to determine the total amount of the debtor's assets. Add the amounts of all claims from Schedules D, E, and F to determine the total amount of the debtor's liabilities. Individual debtors must also complete the "Statistical Summary of Certain Liabilities and Related Data" if they file a case under chapter 7, 11, or 13.

NAME OF SCHEDULE	ATTACHED (YES/NO)	NO. OF SHEETS	ASSETS	LIABILITIES	OTHER
A - Real Property	Yes	1	200,000.00		
B - Personal Property	Yes	3	52,748.65		
C - Property Claimed as Exempt	Yes	1			
D - Creditors Holding Secured Claims	Yes	1		236,382.94	
E - Creditors Holding Unsecured Priority Claims (Total of Claims on Schedule E)	Yes	1		0.00	
F - Creditors Holding Unsecured Nonpriority Claims	Yes	1		41,371.00	
G - Executory Contracts and Unexpired Leases	Yes	1			
H - Codebtors	Yes	1			
I - Current Income of Individual Debtor(s)	Yes	1			2,745.06
J - Current Expenditures of Individual Debtor(s)	Yes	2			6,112.00
Total Number of Sheets of ALL Schedules		13			
Total Assets			252,748.65		
Total Liabilities				277,753.94	

**United States Bankruptcy Court
Central District of California**

In re **Robert William Rios**

Debtor

Case No. _____

Chapter 7

STATISTICAL SUMMARY OF CERTAIN LIABILITIES AND RELATED DATA (28 U.S.C. § 159)

If you are an individual debtor whose debts are primarily consumer debts, as defined in § 101(8) of the Bankruptcy Code (11 U.S.C. § 101(8)), filing a case under chapter 7, 11 or 13, you must report all information requested below.

☐ Check this box if you are an individual debtor whose debts are NOT primarily consumer debts. You are not required to report any information here.

This information is for statistical purposes only under 28 U.S.C. § 159.

Summarize the following types of liabilities, as reported in the Schedules, and total them.

Type of Liability	Amount
Domestic Support Obligations (from Schedule E)	0.00
Taxes and Certain Other Debts Owed to Governmental Units (from Schedule E)	0.00
Claims for Death or Personal Injury While Debtor Was Intoxicated (from Schedule E) (whether disputed or undisputed)	0.00
Student Loan Obligations (from Schedule F)	0.00
Domestic Support, Separation Agreement, and Divorce Decree Obligations Not Reported on Schedule E	0.00
Obligations to Pension or Profit-Sharing, and Other Similar Obligations (from Schedule F)	0.00
TOTAL	0.00

State the following:

Average Income (from Schedule I, Line 16)	2,745.06
Average Expenses (from Schedule J, Line 18)	6,112.00
Current Monthly Income (from Form 22A Line 12; OR, Form 22B Line 11; OR, Form 22C Line 20)	4,753.44

State the following:

1. Total from Schedule D, "UNSECURED PORTION, IF ANY" column		300.00
2. Total from Schedule E, "AMOUNT ENTITLED TO PRIORITY" column	0.00	
3. Total from Schedule E, "AMOUNT NOT ENTITLED TO PRIORITY, IF ANY" column		0.00
4. Total from Schedule F		41,371.00
5. Total of non-priority unsecured debt (sum of 1, 3, and 4)		41,671.00

B6A (Official Form 6A) (12/07)

In re **Robert William Rios**

Case No. _____

Debtor

SCHEDULE A - REAL PROPERTY

Except as directed below, list all real property in which the debtor has any legal, equitable, or future interest, including all property owned as a cotenant, community property, or in which the debtor has a life estate. Include any property in which the debtor holds rights and powers exercisable for the debtor's own benefit. If the debtor is married, state whether husband, wife, both, or the marital community own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor holds no interest in real property, write "None" under "Description and Location of Property."

Do not include interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.

If an entity claims to have a lien or hold a secured interest in any property, state the amount of the secured claim. See Schedule D. If no entity claims to hold a secured interest in the property, write "None" in the column labeled "Amount of Secured Claim." If the debtor is an individual or if a joint petition is filed, state the amount of any exemption claimed in the property only in Schedule C - Property Claimed as Exempt.

Description and Location of Property	Nature of Debtor's Interest in Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption	Amount of Secured Claim
2071 N. O'Malley Way Upland, CA 91784 Current Market Value: \$400,000	50%	C	400,000.00	218,882.94

Sub-Total > **400,000.00** (Total of this page)

Total > **400,000.00**

0 continuation sheets attached to the Schedule of Real Property

(Report also on Summary of Schedules)

EXHIBIT "1"

Page 25

In re **Robert William Rios**

Case No. _____

Debtor

SCHEDULE B - PERSONAL PROPERTY

Except as directed below, list all personal property of the debtor of whatever kind. If the debtor has no property in one or more of the categories, place an "x" in the appropriate position in the column labeled "None." If additional space is needed in any category, attach a separate sheet properly identified with the case name, case number, and the number of the category. If the debtor is married, state whether husband, wife, both, or the marital community own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor is an individual or a joint petition is filed, state the amount of any exemptions claimed only in Schedule C - Property Claimed as Exempt.

Do not list interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.

If the property is being held for the debtor by someone else, state that person's name and address under "Description and Location of Property." If the property is being held for a minor child, simply state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
1. Cash on hand	X			
2. Checking, savings or other financial accounts, certificates of deposit, or shares in banks, savings and loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives.		U.S. Bank Checking Account	H	200.00
3. Security deposits with public utilities, telephone companies, landlords, and others.	X			
4. Household goods and furnishings, including audio, video, and computer equipment.		Household Goods and Furnishings	C	2,500.00
5. Books, pictures and other art objects, antiques, stamp, coin, record, tape, compact disc, and other collections or collectibles.	X			
6. Wearing apparel.		Clothing and Apparel	H	700.00
7. Furs and jewelry.	X			
8. Firearms and sports, photographic, and other hobby equipment.		Misc. Hobby Equipment	H	200.00
9. Interests in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.	X			
10. Annuities. Itemize and name each issuer.	X			

Sub-Total > 3,600.00
(Total of this page)

B6B (Official Form 6B) (12/07) - Cont.

In re **Robert William Rios**

Case No. _____

Debtor

SCHEDULE B - PERSONAL PROPERTY
(Continuation Sheet)

Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
11. Interests in an education IRA as defined in 26 U.S.C. § 530(b)(1) or under a qualified State tuition plan as defined in 26 U.S.C. § 529(b)(1). Give particulars. (File separately the record(s) of any such interest(s). 11 U.S.C. § 521(c).)	X			
12. Interests in IRA, ERISA, Keogh, or other pension or profit sharing plans. Give particulars.		401(k) Plan Account Balance: \$74397.	C	74,397.30
13. Stock and interests in incorporated and unincorporated businesses. Itemize.	X			
14. Interests in partnerships or joint ventures. Itemize.	X			
15. Government and corporate bonds and other negotiable and nonnegotiable instruments.	X			
16. Accounts receivable.	X			
17. Alimony, maintenance, support, and property settlements to which the debtor is or may be entitled. Give particulars.	X			
18. Other liquidated debts owed to debtor including tax refunds. Give particulars.	X			
19. Equitable or future interests, life estates, and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule A - Real Property.	X			
20. Contingent and noncontingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust.	X			
21. Other contingent and unliquidated claims of every nature, including tax refunds, counterclaims of the debtor, and rights to setoff claims. Give estimated value of each.	X			

Sub-Total > **74,397.30**
(Total of this page)

Sheet 1 of 2 continuation sheets attached
to the Schedule of Personal Property

EXHIBIT "1"

Page 27
Best Case Bankruptcy

B6B (Official Form 6B) (12/07) - Cont.

In re **Robert William Rios**

Case No. _____

Debtor

SCHEDULE B - PERSONAL PROPERTY
(Continuation Sheet)

Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
22. Patents, copyrights, and other intellectual property. Give particulars.	X			
23. Licenses, franchises, and other general intangibles. Give particulars.	X			
24. Customer lists or other compilations containing personally identifiable information (as defined in 11 U.S.C. § 101(41A)) provided to the debtor by individuals in connection with obtaining a product or service from the debtor primarily for personal, family, or household purposes.	X			
25. Automobiles, trucks, trailers, and other vehicles and accessories.		2006 Mazda	H	9,200.00
		2004 Explorer	C	8,000.00
26. Boats, motors, and accessories.	X			
27. Aircraft and accessories.	X			
28. Office equipment, furnishings, and supplies.	X			
29. Machinery, fixtures, equipment, and supplies used in business.	X			
30. Inventory.	X			
31. Animals.	X			
32. Crops - growing or harvested. Give particulars.	X			
33. Farming equipment and implements.	X			
34. Farm supplies, chemicals, and feed.	X			
35. Other personal property of any kind not already listed. Itemize.	X			

Sub-Total > 17,200.00
(Total of this page)
Total > 95,197.30

Sheet 2 of 2 continuation sheets attached
to the Schedule of Personal Property

EXHIBIT "1"

(Report also on Summary of Schedules)

Page 28

B6C (Official Form 6C) (12/07)

In re **Robert William Rios**

Case No. _____

Debtor

SCHEDULE C - PROPERTY CLAIMED AS EXEMPT

Debtor claims the exemptions to which debtor is entitled under:

(Check one box)

☐ 11 U.S.C. §522(b)(2)

☒ 11 U.S.C. §522(b)(3)

☐ Check if debtor claims a homestead exemption that exceeds \$136,875.

Description of Property	Specify Law Providing Each Exemption	Value of Claimed Exemption	Current Value of Property Without Deducting Exemption
Real Property			
2071 N. O'Malley Way Upland, CA 91784 Current Market Value: \$400,000	C.C.P. § 704.730	75,000.00	400,000.00
Checking, Savings, or Other Financial Accounts, Certificates of Deposit			
U.S. Bank Checking Account	C.C.P. § 704.070	200.00	200.00
Household Goods and Furnishings			
Household Goods and Furnishings	C.C.P. § 704.020	2,500.00	2,500.00
Wearing Apparel			
Clothing and Apparel	C.C.P. § 704.020	700.00	700.00
Firearms and Sports, Photographic and Other Hobby Equipment			
Misc. Hobby Equipment	C.C.P. § 704.020	200.00	200.00
Interests in IRA, ERISA, Keogh, or Other Pension or Profit Sharing Plans			
401(k) Plan Account Balance: \$74397.	C.C.P. § 704.115(a)(1) & (2), (b)	74,397.30	74,397.30

Total: **152,997.30** **477,997.30**

0 continuation sheets attached to Schedule of Property Claimed as Exempt

B6D (Official Form 6D) (12/07)

In re **Robert William Rios**

Case No. _____

Debtor

SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS

State the name, mailing address, including zip code, and last four digits of any account number of all entities holding claims secured by property of the debtor as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. List creditors holding all types of secured interests such as judgment liens, garnishments, statutory liens, mortgages, deeds of trust, and other security interests.

List creditors in alphabetical order to the extent practicable. If a minor child is a creditor, the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m). If all secured creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor", include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H", "W", "J", or "C" in the column labeled "Husband, Wife, Joint, or Community".

If the claim is contingent, place an "X" in the column labeled "Contingent". If the claim is unliquidated, place an "X" in the column labeled "Unliquidated". If the claim is disputed, place an "X" in the column labeled "Disputed". (You may need to place an "X" in more than one of these three columns.)

Total the columns labeled "Amount of Claim Without Deducting Value of Collateral" and "Unsecured Portion, if Any" in the boxes labeled "Total(s)" on the last sheet of the completed schedule. Report the total from the column labeled "Amount of Claim" also on the Summary of Schedules and, if the debtor is an individual with primarily consumer debts, report the total from the column labeled "Unsecured Portion" on the Statistical Summary of Certain Liabilities and Related Data.

☐ Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E B T O R	H U S B A N D, W I F E, J O I N T, O R C O M M U N I T Y	D A T E C L A I M W A S I N C U R R E D, N A T U R E O F L I E N, A N D D E S C R I P T I O N A N D V A L U E O F P R O P E R T Y S U B J E C T T O L I E N	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	A M O U N T O F C L A I M W I T H O U T D E D U C T I N G V A L U E O F C O L L A T E R A L	U N S E C U R E D P O R T I O N, I F A N Y
Account No.			03/17/09					
Bank of the West 1450 Treat Blvd. POBox 8050 Walnut Creek, CA 94597-8050			Purchase Money Security 2006 Mazda					
			Value \$ 9,200.00				9,400.00	200.00
Account No. xxxxxxxx6327			Opened 1/01/07 Last Active 6/05/09					
P F F Bank & Trust/U.S. Bank 9467 Milliken Ave Rancho Cucamonga, CA 91730		J	2071 N. O'Malley Way Upland, CA 91784 Current Market Value: \$400,000					
			Value \$ 400,000.00				37,606.00	0.00
Account No. #xxxxxxx3025			First Deed of Trust					
The Estes Family Trust c/o Coy D. Estes, Trustee 84 Gardenia Court Upland, CA 91784		J	2071 N. O'Malley Way Upland, CA 91784 Current Market Value: \$400,000					
			Value \$ 400,000.00				181,276.94	0.00
Account No.			08/03/05					
The Estes Family Trust c/o Coy D. Estes, Trustee 84 Gardenia Court Upland, CA 91784			Personal Loan 2004 Explorer					
			Value \$ 8,000.00				8,100.00	100.00
Subtotal (Total of this page)							236,382.94	300.00
Total							236,382.94	300.00

0 continuation sheets attached

(Report on Summary of Schedules)

EXHIBIT "1"

Page 30

In re **Robert William Rios**

Case No. _____

Debtor

SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

A complete list of claims entitled to priority, listed separately by type of priority, is to be set forth on the sheets provided. Only holders of unsecured claims entitled to priority should be listed in this schedule. In the boxes provided on the attached sheets, state the name, mailing address, including zip code, and last four digits of the account number, if any, of all entities holding priority claims against the debtor or the property of the debtor, as of the date of the filing of the petition. Use a separate continuation sheet for each type of priority and label each with the type of priority.

The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. If a minor child is a creditor, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. § 112 and Fed. R. Bankr. P. 1007(m).

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H-Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of claims listed on each sheet in the box labeled "Subtotals" on each sheet. Report the total of all claims listed on this Schedule E in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules.

Report the total of amounts entitled to priority listed on each sheet in the box labeled "Subtotals" on each sheet. Report the total of all amounts entitled to priority listed on this Schedule E in the box labeled "Totals" on the last sheet of the completed schedule. Individual debtors with primarily consumer debts report this total also on the Statistical Summary of Certain Liabilities and Related Data.

Report the total of amounts not entitled to priority listed on each sheet in the box labeled "Subtotals" on each sheet. Report the total of all amounts not entitled to priority listed on this Schedule E in the box labeled "Totals" on the last sheet of the completed schedule. Individual debtors with primarily consumer debts report this total also on the Statistical Summary of Certain Liabilities and Related Data.

☒ Check this box if debtor has no creditors holding unsecured priority claims to report on this Schedule E.

TYPES OF PRIORITY CLAIMS (Check the appropriate box(es) below if claims in that category are listed on the attached sheets)

☐ **Domestic support obligations**

Claims for domestic support that are owed to or recoverable by a spouse, former spouse, or child of the debtor, or the parent, legal guardian, or responsible relative of such a child, or a governmental unit to whom such a domestic support claim has been assigned to the extent provided in 11 U.S.C. § 507(a)(1).

☐ **Extensions of credit in an involuntary case**

Claims arising in the ordinary course of the debtor's business or financial affairs after the commencement of the case but before the earlier of the appointment of a trustee or the order for relief. 11 U.S.C. § 507(a)(3).

☐ **Wages, salaries, and commissions**

Wages, salaries, and commissions, including vacation, severance, and sick leave pay owing to employees and commissions owing to qualifying independent sales representatives up to \$10,950* per person earned within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(4).

☐ **Contributions to employee benefit plans**

Money owed to employee benefit plans for services rendered within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(5).

☐ **Certain farmers and fishermen**

Claims of certain farmers and fishermen, up to \$5,400* per farmer or fisherman, against the debtor, as provided in 11 U.S.C. § 507(a)(6).

☐ **Deposits by individuals**

Claims of individuals up to \$2,425* for deposits for the purchase, lease, or rental of property or services for personal, family, or household use, that were not delivered or provided. 11 U.S.C. § 507(a)(7).

☐ **Taxes and certain other debts owed to governmental units**

Taxes, customs duties, and penalties owing to federal, state, and local governmental units as set forth in 11 U.S.C. § 507(a)(8).

☐ **Commitments to maintain the capital of an insured depository institution**

Claims based on commitments to the FDIC, RTC, Director of the Office of Thrift Supervision, Comptroller of the Currency, or Board of Governors of the Federal Reserve System, or their predecessors or successors, to maintain the capital of an insured depository institution. 11 U.S.C. § 507(a)(9).

☐ **Claims for death or personal injury while debtor was intoxicated**

Claims for death or personal injury resulting from the operation of a motor vehicle or vessel while the debtor was intoxicated from using alcohol, a drug, or another substance. 11 U.S.C. § 507(a)(10).

* Amounts are subject to adjustment on April 1, 2010, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

B6F (Official Form 6F) (12/07)

In re **Robert William Rios**

Case No. _____

Debtor

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

State the name, mailing address, including zip code, and last four digits of any account number, of all entities holding unsecured claims without priority against the debtor or the property of the debtor, as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. If a minor child is a creditor, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m). Do not include claims listed in Schedules D and E. If all creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of all claims listed on this schedule in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules and, if the debtor is an individual with primarily consumer debts, report this total also on the Statistical Summary of Certain Liabilities and Related Data.

☐ Check this box if debtor has no creditors holding unsecured claims to report on this Schedule F.

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	Husband, Wife, Joint, or Community				CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
	C	D	W	J				
Account No. 7931 Bank of America Fleet Bankcard PO Box 26012 Greensboro, NC 27420			J					5,106.00
Account No. xxxx-xxxx-xxxx-4401 Chase United Mileage Plus PO Box 94014 Palatine, IL 60094-4014			J					27,736.00
Account No. The Estes Family Trust c/o Coy D. Estes, Trustee 84 Gardenia Court Upland, CA 91784			J					8,250.00
Account No. 7463 U.S. Bank 20 E. Foothill Blvd. Upland, CA 91786			H					279.00
Subtotal (Total of this page)								41,371.00
Total (Report on Summary of Schedules)								41,371.00

0 continuation sheets attached

EXHIBIT "1"

Page 32

B6G (Official Form 6G) (12/07)

In re Robert William Rios
Debtor

Case No. _____

SCHEDULE G - EXECUTORY CONTRACTS AND UNEXPIRED LEASES

Describe all executory contracts of any nature and all unexpired leases of real or personal property. Include any timeshare interests. State nature of debtor's interest in contract, i.e., "Purchaser", "Agent", etc. State whether debtor is the lessor or lessee of a lease. Provide the names and complete mailing addresses of all other parties to each lease or contract described. If a minor child is a party to one of the leases or contracts, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

☐ Check this box if debtor has no executory contracts or unexpired leases.

Name and Mailing Address, Including Zip Code,
of Other Parties to Lease or Contract

Description of Contract or Lease and Nature of Debtor's Interest.
State whether lease is for nonresidential real property.
State contract number of any government contract.

In re **Robert William Rios**

Case No. _____

Debtor

SCHEDULE H - CODEBTORS

Provide the information requested concerning any person or entity, other than a spouse in a joint case, that is also liable on any debts listed by debtor in the schedules of creditors. Include all guarantors and co-signers. If the debtor resides or resided in a community property state, commonwealth, or territory (including Alaska, Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, or Wisconsin) within the eight year period immediately preceding the commencement of the case, identify the name of the debtor's spouse and of any former spouse who resides or resided with the debtor in the community property state, commonwealth, or territory. Include all names used by the nondebtor spouse during the eight years immediately preceding the commencement of this case. If a minor child is a codebtor or a creditor, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

☐ Check this box if debtor has no codebtors.

NAME AND ADDRESS OF CODEBTOR	NAME AND ADDRESS OF CREDITOR
Karen Elizabeth Rios 2071 N. O'Malley Way Upland, CA 91784	The Estes Family Trust c/o Coy D. Estes, Trustee 84 Gardenia Court Upland, CA 91784

B61 (Official Form 61) (12/07)

In re **Robert William Rios**

Debtor(s)

Case No. _____

SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by every married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child. The average monthly income calculated on this form may differ from the current monthly income calculated on Form 22A, 22B, or 22C.

Debtor's Marital Status: Separated	DEPENDENTS OF DEBTOR AND SPOUSE	
	RELATIONSHIP(S): Son Daughter	AGE(S): 16 18
Employment:	DEBTOR	SPOUSE
Occupation	Finance Manager	
Name of Employer	Ford of Upland	
How long employed	14 years	
Address of Employer	555 Foothill Blvd. Upland, CA 91785	

INCOME: (Estimate of average or projected monthly income at time case filed)

1. Monthly gross wages, salary, and commissions (Prorate if not paid monthly)
2. Estimate monthly overtime

DEBTOR	SPOUSE
\$ 4,753.44	\$ N/A
\$ 0.00	\$ N/A

3. SUBTOTAL

\$ 4,753.44	\$ N/A
--------------------	---------------

4. LESS PAYROLL DEDUCTIONS

- a. Payroll taxes and social security
- b. Insurance
- c. Union dues
- d. Other (Specify): Premium Only

401(k) Loan Repayment

\$ 433.04	\$ N/A
\$ 0.00	\$ N/A
\$ 0.00	\$ N/A
\$ 725.12	\$ N/A
\$ 850.22	\$ N/A

5. SUBTOTAL OF PAYROLL DEDUCTIONS

\$ 2,008.38	\$ N/A
--------------------	---------------

6. TOTAL NET MONTHLY TAKE HOME PAY

\$ 2,745.06	\$ N/A
--------------------	---------------

7. Regular income from operation of business or profession or farm (Attach detailed statement)

\$ 0.00	\$ N/A
----------------	---------------

8. Income from real property

\$ 0.00	\$ N/A
----------------	---------------

9. Interest and dividends

\$ 0.00	\$ N/A
----------------	---------------

10. Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above

\$ 0.00	\$ N/A
----------------	---------------

11. Social security or government assistance
(Specify): _____

\$ 0.00	\$ N/A
----------------	---------------

12. Pension or retirement income

\$ 0.00	\$ N/A
----------------	---------------

13. Other monthly income

(Specify): _____

\$ 0.00	\$ N/A
----------------	---------------

14. SUBTOTAL OF LINES 7 THROUGH 13

\$ 0.00	\$ N/A
----------------	---------------

15. AVERAGE MONTHLY INCOME (Add amounts shown on lines 6 and 14)

\$ 2,745.06	\$ N/A
--------------------	---------------

16. COMBINED AVERAGE MONTHLY INCOME: (Combine column totals from line 15)

\$ 2,745.06	
--------------------	--

(Report also on Summary of Schedules and, if applicable, on
Statistical Summary of Certain Liabilities and Related Data)

17. Describe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document:

Due to the economic climate I expect my income to continue to drop due to decreased sales. My income is based on commissions.

B6J (Official Form 6J) (12/07)

In re Robert William Rios

Debtor(s)

Case No. _____

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)

Complete this schedule by estimating the average or projected monthly expenses of the debtor and the debtor's family at time case filed. Prorate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate. The average monthly expenses calculated on this form may differ from the deductions from income allowed on Form 22A or 22C.

☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse."

1. Rent or home mortgage payment (include lot rented for mobile home)	\$	<u>1,127.00</u>
a. Are real estate taxes included? Yes _____ No <u>X</u>		
b. Is property insurance included? Yes _____ No <u>X</u>		
2. Utilities:	\$	<u>200.00</u>
a. Electricity and heating fuel	\$	<u>150.00</u>
b. Water and sewer	\$	<u>210.00</u>
c. Telephone	\$	<u>125.00</u>
d. Other <u>See Detailed Expense Attachment</u>	\$	<u>200.00</u>
3. Home maintenance (repairs and upkeep)	\$	<u>700.00</u>
4. Food	\$	<u>150.00</u>
5. Clothing	\$	<u>0.00</u>
6. Laundry and dry cleaning	\$	<u>20.00</u>
7. Medical and dental expenses	\$	<u>250.00</u>
8. Transportation (not including car payments)	\$	<u>20.00</u>
9. Recreation, clubs and entertainment, newspapers, magazines, etc.	\$	<u>0.00</u>
10. Charitable contributions	\$	<u>0.00</u>
11. Insurance (not deducted from wages or included in home mortgage payments)	\$	<u>200.00</u>
a. Homeowner's or renter's	\$	<u>0.00</u>
b. Life	\$	<u>750.00</u>
c. Health	\$	<u>225.00</u>
d. Auto	\$	<u>0.00</u>
e. Other _____	\$	<u>0.00</u>
12. Taxes (not deducted from wages or included in home mortgage payments) (Specify) <u>Property Tax</u>	\$	<u>317.00</u>
13. Installment payments: (In chapter 11, 12, and 13 cases, do not list payments to be included in the plan)	\$	<u>378.00</u>
a. Auto	\$	<u>0.00</u>
b. Other _____	\$	<u>0.00</u>
c. Other _____	\$	<u>1,090.00</u>
14. Alimony, maintenance, and support paid to others	\$	<u>0.00</u>
15. Payments for support of additional dependents not living at your home	\$	<u>0.00</u>
16. Regular expenses from operation of business, profession, or farm (attach detailed statement)	\$	<u>0.00</u>
17. Other _____	\$	<u>0.00</u>
Other _____	\$	<u>0.00</u>
18. AVERAGE MONTHLY EXPENSES (Total lines 1-17. Report also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data.)	\$	<u>6,112.00</u>
19. Describe any increase or decrease in expenditures reasonably anticipated to occur within the year following the filing of this document:		
20. STATEMENT OF MONTHLY NET INCOME		
a. Average monthly income from Line 15 of Schedule I	\$	<u>2,745.06</u>
b. Average monthly expenses from Line 18 above	\$	<u>6,112.00</u>
c. Monthly net income (a. minus b.)	\$	<u>-3,366.94</u>

B6J (Official Form 6J) (12/07)

In re Robert William Rios

Debtor(s)

Case No. _____

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)
Detailed Expense Attachment

Other Utility Expenditures:

<u>Cable</u>	\$	<u>100.00</u>
<u>Brinks Security</u>	\$	<u>25.00</u>
<u>Total Other Utility Expenditures</u>	\$	<u>125.00</u>

United States Bankruptcy Court
Central District of California

In re **Robert William Rios**

Debtor(s)

Case No.

Chapter

7

DECLARATION CONCERNING DEBTOR'S SCHEDULES

DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR

I declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of
16 sheets, and that they are true and correct to the best of my knowledge, information, and belief.

Date

7-8-08

Signature


Robert William Rios
Debtor

Penalty for making a false statement or concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both.
18 U.S.C. §§ 152 and 3571.

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA**

Filer's Name:	STEPHEN R. WADE	Atty Name (if applicable):	STEPHEN R. WADE
Street Address:	400 North Mountain Ave., #214B Upland, CA 91786	CA Bar No. (if applicable):	79219
Filer's Telephone No.:	909-985-6500	Atty Fax No. (if applicable):	909-985-2865

In re:	Case No. 6:09-bk-25680 BB
Robert William Rios	Chapter 7

AMENDED SCHEDULE(S) AND/OR STATEMENT(S)

A filing fee of \$26.00 is required to amend any or all of Schedules "D" through "F." An addendum mailing list is also required as an attachment if creditors are being added to the creditors list. Is/are creditor(s) being added?

☐ Yes ☐ No

Indicate below which schedule(s) and/or statement(s) is(are) being amended.

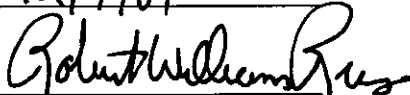
☐ A ☐ B ☒ C ☐ D ☐ E ☐ F ☐ G ☐ H ☐ I ☐ J
☐ Statement of Social Security Number(s) ☐ Statement of Financial Affairs
☐ Statement of Intention ☐ Other

NOTE: IT IS THE RESPONSIBILITY OF THE DEBTOR TO MAIL COPIES OF ALL AMENDMENTS TO THE TRUSTEE AND TO NOTICE ALL CREDITORS LISTED IN THE AMENDED SCHEDULE(S) AND TO COMPLETE AND FILE WITH THE COURT THE PROOF OF SERVICE ATTACHED.

I/We, **Robert William Rios**, the person(s) who subscribed to the foregoing Amended Schedule(s) and/or Statement(s) do hereby declare under penalty of perjury that the foregoing is true and correct.

****FOR COURT USE ONLY****

DATED: 12/7/09



Robert William Rios
Debtor Signature

Co-Debtor Signature

****SEE PROOF OF SERVICE****

B6C (Official Form 6C) (12/07)

In re **Robert William Rios**

Case No. _____

Debtor

SCHEDULE C - PROPERTY CLAIMED AS EXEMPT - AMENDED

Debtor claims the exemptions to which debtor is entitled under:
(Check one box)

- ☐ 11 U.S.C. §522(b)(2)
☒ 11 U.S.C. §522(b)(3)

☐ Check if debtor claims a homestead exemption that exceeds \$136,875.

Description of Property	Specify Law Providing Each Exemption	Value of Claimed Exemption	Current Value of Property Without Deducting Exemption
<u>Real Property</u> 2071 N. O'Malley Way Upland, CA 91784 Current Market Value: \$400,000	C.C.P. § 704.730	A 50,000.00	400,000.00
<u>Checking, Savings, or Other Financial Accounts, Certificates of Deposit</u> U.S. Bank Checking Account	C.C.P. § 704.070	200.00	200.00
<u>Household Goods and Furnishings</u> Household Goods and Furnishings	C.C.P. § 704.020	2,500.00	2,500.00
<u>Wearing Apparel</u> Clothing and Apparel	C.C.P. § 704.020	700.00	700.00
<u>Firearms and Sports, Photographic and Other Hobby Equipment</u> Misc. Hobby Equipment	C.C.P. § 704.020	200.00	200.00
<u>Interests in IRA, ERISA, Keogh, or Other Pension or Profit Sharing Plans</u> 401(k) Plan Account Balance: \$74397.	C.C.P. § 704.115(a)(1) & (2), (b)	74,397.30	74,397.30

In re: Robert Rios

CHAPTER 7

Debtor(s).

CASE NUMBER RS-09-25680-BB

NOTE: When using this form to indicate service of a proposed order, **DO NOT** list any person or entity in Category I. Proposed orders do not generate an NEF because only orders that have been entered are placed on the CM/ECF docket.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
400 N. Mountain Ave, Suite 214B
Upland, CA 91786

The foregoing document described **Amended Schedule C** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner indicated below:

I. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")** – Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On December 7, 2009 I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

☐ Service information continued on attached page

Melissa Davis mdavis@shbllp.com
Lazaro E Fernandez lef17@pacbell.net, lef-karina@pacbell.net; lef-liz@pacbell.net
Robert L Goodrich office@rlgoodrichlaw.com, rgoodrich@ecf.epiqsystems.com
William D May dp@srwadelaw.com
Leonard M Shulman lshulman@shbllp.com
Ramesh Singh claims@recoverycorp.com
United States Trustee (RS) ustregion16.rs.ecf@usdoj.gov
Stephen R Wade dp@srwadelaw.com

II. **SERVED BY U.S. MAIL OR OVERNIGHT MAIL** (indicate method for each person or entity served):

On December 7, 2009 I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. *Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.*

Served Via U.S. Mail
U.S. Bankruptcy Court
Hon. Sheri Bluebond
255 E. Temple Street, Suite 1482
Los Angeles, CA 90012

☐ Service information continued on attached page

III. **SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL** (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on _____ I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. *Listing the judge here constitutes a declaration that personal delivery on the judge will be completed no later than 24 hours after the document is filed.*

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

12-7-09

Date

D. Lacey

Type Name

Signature

